

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

CHRISTOPHER B. EILAND, DVM, MS, §

Plaintiff, §

v. § Civil Action No.: 2005-CV-459-VPM

DR. BYRON L. BLAGBURN, et al. §

Defendants. §

REPORT OF PARTIES' PLANNING MEETING

1. Pursuant to Fed. R. Civ. P. 26(f), a meeting was held by telephone on July 29, 2005, in Montgomery, Alabama. The meeting was participated by:

Alvin T. Prestwood, Counsel for the Plaintiff

David R. Boyd, Esquire , counsel for the Defendant

2. Pre Discovery Disclosures

The parties will exchange the information required by Fed. R. Civ. P. 26(a) on or before September 23, 2005.

3. Discovery Plan

The parties jointly propose to the Court the following discovery plans:

(a) Discovery will be needed on all of the issues raised in the Complaint and in the Answers.

(b) Discovery will be commenced in time to be completed by July 2, 2006.

(c) There will be a maximum of 40 interrogatories submitted by each party to any other party. Responses shall be due 30 days after service.

- (d) There will be a maximum of 40 requests for the production of documents submitted by each party to any other party. Responses shall be due 30 days after service.
- (e) There will be a maximum of 25 requests for admissions by each party to any other party. Responses shall be due 30 days after service.
- (f) There will be a maximum of 10 depositions by the Plaintiff and 10 by the Defendants.
- (g) Each deposition shall be limited to a maximum of 7 hours unless extended by agreement of the parties.
- (h) Reports from any retained experts under Rule 26(a)(2) shall be due:
from Plaintiff by May 15, 2006.
from Defendants by May 15, 2006.

4. Other Issues

- (a) The parties do not request a conference with the Court before entry of the scheduling orders.
- (b) The Plaintiff should be allowed until September 30, 2005 to join additional parties and until September 30, 2005 to amend the pleadings.
- (c) The Defendants should be allowed until September 30, 2005 to join additional parties and until September 30, 2005 to amend the pleadings.
- (d) All potentially dispositive motions should be filed by 30 days before pretrial conference.
- (e) Settlement is unlikely at this time, but can be evaluated prior to November 30, 2005 and may be enhanced throughout mediation.

- (f) Final lists of witnesses and exhibits under Rule 26(a)(3) should be due:

from Plaintiff by 14 days prior to trial.

from Defendants by 14 days prior to trial.
- (g) Parties should have 7 days after service of final lists of witnesses and exhibits to list objections under Rule 26(a)(3).
- (h) The case should be ready for trial by September 15, 2006; and this trial is expected to last approximately 4 days.

Respectfully submitted this the 29th day of July, 2005.

/s/ Alvin T. Prestwood
Alvin T. Prestwood (PRE004)
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CERTIFICATE OF SERVICE

I hereby certify that Ielectronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following the 29th day of July, 2005:

David R. Boyd, Esquire
Balch & Bingham
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Birmingham, Alabama 35201-0306

Lee F. Armstrong, Esquire
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/s/ Alvin T. Prestwood
Of Counsel